

Application No. 10/053,467  
Response dated March 22, 2006  
Reply to Final Office Action of December 23, 2005

### LISTING OF CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1. (Previously presented) A negative electrode active material comprising:  
a composition A-B-C containing a first element A, a second element B, and a third element C,

wherein,

the first element A is copper or iron;

the second element B is silicon or tin;

the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and

the composition A-B-C contains 5 to 40% by weight of the second element B and contains 1 to 50% by weight of the third element C.

Claim 2. (Original) A negative electrode active material according to Claim 1, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

Claim 3. (Canceled)

Claim 4. (Original) A negative electrode active material according to Claim 1, wherein the composition A-B-C has low crystallinity.

Claim 5. (Original) A negative electrode active material according to Claim 1, wherein the composition A-B-C is amorphous.

Claim 6. (Previously presented) A nonaqueous electrolyte battery comprising:

a positive electrode containing a positive electrode active material;

a negative electrode containing a negative electrode active material; and

a nonaqueous electrolyte,

wherein,

the negative electrode active material contains a composition A-B-C having a first element A, a second element B, and a third element C;

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the first element is copper or iron, the second element B is silicon or tin, and the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and

the composition A-B-C contains 5 to 40% by weight of second element B and containing 1 to 50% by weight of third element C.

Claim 7. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

Claim 8. (Canceled)

Claim 9. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C has low crystallinity.

Claim 10. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C is amorphous.

Claim 11. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the negative electrode further contains a carbonaceous material which is capable of being doped and being undoped with lithium.

Claim 12. (Original) A nonaqueous electrolyte battery according to Claim 11, wherein the carbonaceous material is one selected from the group consisting of non-graphitizable carbon, graphitizable carbon, and graphite.